

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 2167 of 2018**

Manoj Saha S/o Shri Motilal Saha, aged about 32 years, R/o Sankra
Navin Chouck, Dharsiva, P.S. Dharsiva, District Raipur (CG)

---- Applicant**Versus**

State of Chhattisgarh through Police Station Dharsiva, District Raipur
(CG)

---- Respondent

For Applicant	:	Shri Vimlesh Bajpai, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****23/03/2018**

This is the second bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 13.10.2017 in connection with Crime No. 466/2017 registered at Police Station Dharsiva, District Raipur (CG) for the offence punishable under Sections 381 & 411 of IPC.

2. The earlier bail application stood rejected vide order dated 04.12.2017 passed by this Court in MCRC No. 6689 of 2017.

3. The sole contention of the counsel for the petitioner is that the co-accused against whom the allegation of theft has been made has already been released on bail by the Co-ordinate Bench of this Court vide order dated 22.02.2018 passed in MCRC No. 7813 of 2017. He submits that the offence which is alleged against the present applicant is under Section 411 of IPC for which the maximum sentence is three years. Thus, prays for grant of bail to the applicant also on the ground of parity.

4. State counsel, however, opposes the bail application on the ground that the first bail application has already been rejected on merits and that it is the present applicant who had purchased the stolen property from the other

accused persons and therefore, he does not deserve to be released on bail.

5. Having heard the contentions put forth on either side and taking note of the fact that the co-accused against whom the allegation of theft has been made has already been released on bail, this Court is of the opinion that on the ground of parity and also considering the period of custody undergone, the present applicant also deserves to be released on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
JUDGE**